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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 GARY G. HAMPTON, JR.,

12 Plaintiff,

13 v.

14 CARRILLO, et al.,

15 Defendants.  
16

No. 2:24-cv-2504-DJC-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to  
18 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion for an extension of time to file a  
19 first amended complaint. See ECF No. 10. Also before the Court is Plaintiff's first amended  
20 complaint. See ECF No. 12.

21 The Federal Rules of Civil Procedure provide that a party may amend his or her  
22 pleading once as a matter of course within 21 days of serving the pleading or, if the pleading is  
23 one to which a responsive pleading is required, within 21 days after service of the responsive  
24 pleading, see Fed. R. Civ. P. 15(a)(1)(A), or within 21 days after service of a motion under Rule  
25 12(b), (e), or (f) of the rules, whichever time is earlier, see Fed. R. Civ. P. 15(a)(1)(B). In all  
26 other situations, a party's pleadings may only be amended upon leave of court or stipulation of all  
27 the parties. See Fed. R. Civ. P. 15(a)(2). Here, no responsive pleading or Rule 12 motion has  
28 been filed, leave of court is not required and Plaintiff's first amended complaint was properly

1 filed as of right. The Court will, therefore, deny Plaintiff's motion for an extension of time as  
2 unnecessary. The sufficiency of Plaintiff's first amended complaint and service thereof will be  
3 addressed by separate order.

4 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for an extension  
5 of time to file a first amended complaint, ECF No. 10, is denied as unnecessary.

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7 **Dated: February 21, 2025**



8 DENNIS M. COTA  
9 UNITED STATES MAGISTRATE JUDGE  
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